

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION

BOBBY JAMES MOSLEY, JR. ]  
Plaintiff, ]  
] ]  
v. ] No. 1:11-0044  
] Judge Trauger  
STEVEN S. BOWDEN, et al. ]  
Defendants. ]

M E M O R A N D U M

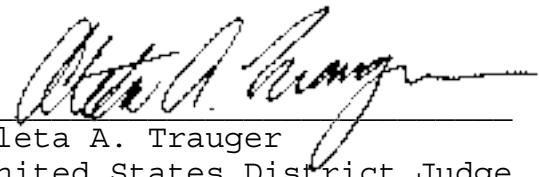
The plaintiff, proceeding *pro se*, is an inmate at the Turney Center Industrial Prison in Only, Tennessee. He brings this action pursuant to 42 U.S.C. § 1983 against Steven Bowden, a General Sessions Judge in Marshall County; Charles Lee, a former Circuit Court Judge in Marshall County; and two Marshall County prosecutors; seeking declaratory, injunctive and monetary relief.

In 2004, a Marshall County jury found the plaintiff guilty of armed robbery. Each of the defendants was in some way involved in the prosecution of the plaintiff. He claims that the defendants are liable to him for prosecutorial misconduct, false imprisonment, denial of due process and a double jeopardy violation.

The complaint arrived in the Clerk's Office on June 13, 2011. The plaintiff's claims arose when he was found guilty in 2004. Thus, it appears that this action is time-barred by the one year statute of limitations imposed upon civil rights claims brought in

Tennessee. Merriweather v. City of Memphis, 107 F.3d 396, 398 (6th Cir.1997). Nothing in the complaint suggests that the statute should be tolled so as to permit the untimely filing of the complaint. The Court, therefore, concludes that the plaintiff has failed to state a claim upon which relief can be granted because this action is untimely. Dellis v. Corrections Corp. of America, 257 F.3d 508, 511 (6<sup>th</sup> Cir.2001) (*sua sponte* dismissal of an untimely prisoner complaint is appropriate). Under such circumstances, the Court is obliged to dismiss the complaint. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.



Aleta A. Trauger  
United States District Judge